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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,) 2:17-CR-409-JAD-(VCF)
13 Plaintiff,)
14 v.) Stipulation to Modify the Plea Agreement
15 JAMIE JOE DULUS,) (ECF No. 26) as to Jamie Joe Dulus and
16 Defendant.) Order)

17 The United States of America and Jamie Joe Dulus (defendant) and his counsel, Jack E.
18 Buchanan, agree as follows:

19 1. The government and Jamie Joe Dulus seek to modify the Plea Agreement (ECF No.
20 26) to add property to be forfeited. The Plea Agreement will remain in effect as to all other
21 aspects of the agreement. All waivers and agreements in the Plea Agreement will be in effect for
22 the property listed below.

23 2. The following property is (1) any firearm or ammunition involved in or used in any
24 knowing violation of Title 18, United States Code, Section 924(c)(1)(A), or any violation of any
25 criminal law of the United States, Title 18, United States Code, Section 113(a)(3) and (2) any
26 firearm or ammunition intended to be used in any crime of violence, Title 18, United States

1 Code, Sections 113(a)(3) and 924(c)(1)(A), and is subject to forfeiture pursuant to Title 18,
2 United States Code, Section 924(d)(1) with Title 28, United States Code, Section 2461(c) and
3 Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(A) with Title 28, United States
4 Code, Section 2461(c): Raven handgun .25 caliber, serial number 545568 (property).

5 3. The defendant knowingly and voluntarily agrees to the District Court imposing the
6 civil judicial forfeiture or the criminal forfeiture of: Raven handgun .25 caliber, serial number
7 545568 (property).

8 4. The defendant knowingly and voluntarily agrees to the abandonment, the civil
9 administrative forfeiture, the civil judicial forfeiture, or the criminal forfeiture of the property.

10 5. The defendant knowingly and voluntarily abandons or forfeits the property to the
11 United States.

12 6. The defendant knowingly and voluntarily relinquishes all possessory rights,
13 ownership rights, and all rights, titles, and interests in the property.

14 7. The defendant knowingly and voluntarily waives his right to any abandonment
15 proceedings, any civil administrative forfeiture proceedings, any civil judicial forfeiture
16 proceedings, or any criminal forfeiture proceedings of the property (proceedings).

17 8. The defendant knowingly and voluntarily waives service of process of any and all
18 documents filed in this action or any proceedings concerning the property arising from the facts
19 and circumstances of this case.

20 9. The defendant knowingly and voluntarily waives any further notice to him, his
21 agents, or his attorney regarding the abandonment or the forfeiture and disposition of the
22 property.

23 10. The defendant knowingly and voluntarily agrees not to file any claim, answer,
24 petition, or other documents in any proceedings concerning the property.

25 11. The defendant knowingly and voluntarily waives the statute of limitations, the
26 CAFRA requirements, Fed. R. Crim. P. 7, 11, and 32.2, all constitutional requirements, including

1 but not limited to, the constitutional due process requirements of any proceedings concerning the
2 property.

3 12. The defendant knowingly and voluntarily waives his right to a jury trial on the
4 forfeiture of the property.

5 13. The defendant knowingly and voluntarily waives all constitutional, legal, and
6 equitable defenses to the forfeiture or abandonment of the property in any proceedings,
7 including, but not limited to, (1) constitutional or statutory double jeopardy defenses and (2)
8 defenses under the Excessive Fines or Cruel and Unusual Punishments Clauses of the Eighth
9 Amendment to the United States Constitution.

10 14. The defendant knowingly and voluntarily agrees to the entry of an Order of Forfeiture
11 of the property to the United States.

12 15. The defendant knowingly and voluntarily waives the right to appeal any Order of
13 Forfeiture.

14 16. The defendant knowingly and voluntarily agrees the property is forfeited to the
15 United States.

16 17. The defendant knowingly and voluntarily agrees and understands the abandonment,
17 the civil administrative forfeiture, the civil judicial forfeiture, or the criminal forfeiture of the
18 property shall not be treated as satisfaction of any assessment, fine, restitution, cost of
19 imprisonment, or any other penalty the Court may impose upon the defendant in addition to the
20 abandonment or the forfeiture.

21 18. The defendant knowingly and voluntarily acknowledges that the amount of the
22 forfeiture may differ from, and may be significantly greater than or less than, the amount of
23 restitution.

24 19. The defendant knowingly and voluntarily agrees to take all steps as requested by the
25 United States to pass clear title of the property to the United States and to testify truthfully in any
26 judicial forfeiture proceedings. The defendant understands and agrees that the property

1 represents proceeds and/or facilitating property of illegal conduct and is forfeitable. The
2 defendant acknowledges that failing to cooperate in full in the forfeiture of the property
3 constitutes a breach of this Plea Agreement.

4 20. Each party acknowledges and warrants that its execution of the Stipulation is free and
5 is voluntary.

6 21. The Stipulation contains the entire agreement between the parties.

7 22. Except as expressly stated in the Stipulation, no party, officer, agent, employee,
8 representative, or attorney has made any statement or representation to any other party, person,
9 or entity regarding any fact relied upon in entering into the Stipulation, and no party, officer,
10 agent, employee, representative, or attorney relies on such statement or representation in
11 executing the Stipulation.

12 23. The persons signing the Stipulation warrant and represent that they have full authority
13 to execute the Stipulation and to bind the persons and/or entities, on whose behalf they are
14 signing, to the terms of the Stipulation.

15 24. This Stipulation shall be construed and interpreted according to federal forfeiture law
16 and federal common law. The jurisdiction and the venue for any dispute related to, and/or
17 arising from, this Stipulation is the unofficial Southern Division of the United States District
18 Court for the District of Nevada, located in Las Vegas, Nevada.

19 25. Each party shall bear his or its own attorneys' fees, expenses, interest, and costs.

20 26. This Stipulation shall not be construed more strictly against one party than against the
21 other merely by virtue of the fact that it may have been prepared primarily by counsel for one of
22 the parties; it being recognized that both parties have contributed substantially and materially to
23 the preparation of this Stipulation.

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1 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was
2 reasonable cause for the seizure and forfeiture of the property.

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4 DATED: 3/22/18

5 JACK BUCHANAN



6
7 JACK BUCHANAN
8 Counsel for Jamie Joe Dulus

9 DATED: 3/22/18



10 JAMIE JOE DULUS

11
12 DATED: 3/30/18

13 DAYLE ELIESON
14 United States Attorney



15
16 ELHAM ROOHANI
17 Assistant United States Attorney

18 IT IS SO ORDERED:

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20 
21 UNITED STATES DISTRICT JUDGE

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23 DATED: 4/3/2018